

REMARKS

The Office Action of May 8, 2008 has been carefully considered. However, Applicant respectfully disagrees with the Examiner and submits that the present invention as claimed is not obvious over the cited references. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the following comments.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 1 – 7 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over JP 61-25454 in view of any one of Kadade, Zwiercan or Burkwall, Jr.

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over JP 61-25454 in view of Kadade, Zwiercan or Burkwall, Jr. According to MPEP 2143.01, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

More specifically, in calculation of dry content, the main composition of noodle in JP 61-25454 is wheat powder (about 70% -- 85%). Soybean only takes a minor proportion of the noodle. In calculation of components, wheat protein and soybean protein make up 10% -- 15% of the noodle. Soybean fiber makes up 5% -- 7% of the noodle. The rest is carbohydrates. The processing method is completely the same as noodles of prior art, i.e., to extrude the contents in room temperature into ready shape of noodles; the noodles obtained through extruding are raw, and need further cooking into read-made noodles.

The noodle in Claim 1 of the present invention is largely defatted soybean poeder as its main carrier. The product, after processing, in calculation of dry content, is 60% -- 70% of soybean protein, 7% -- 10% of soybean fiber, and none of wheat powder. The processing method for noodle of Claim 1 in this application is completely different from

that of JP 61-25454 noodles. In the present invention, the noodles need to be extruded into the shape of noodle in high temperature. The noodle after processing is readily edible. If processing under method of prior art, or under the method of JP 61-25454, the soybean noodle in Claim 1 of this application cannot be obtained.

For these reasons, the components of noodle in Claim 1 of this application is substantially different from the components of JP 61-25454 noodle, or any other noodles. Due to the significant differences in components, the nutrition and flavor are quite superior compared with noodle of JP 61-25454. In addition, noodles in Claim 1 of the present invention, due to its particular components, needs to be processed through special method, and the processing art is quite different from prior art. Therefore, the noodle of the present invention as claimed, compared with JP 61-25454, or any other prior art or their combination, has superior features, represents non-obvious advancement in this field, and is creative.

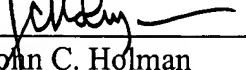
Therefore, the present claims are not obvious over JP 61-25454 in view of Kadade, Zwiercan or Burkwall, Jr. and the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: September 3, 2008
(202) 638-6666
400 Seventh Street, N.W.
Washington, D.C. 20004
Atty. Dkt. No.: P69670US0
JCH/JC

By 
John C. Holman
Registration No. 22,769